

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

OBERG et al

Atty. Ref.: 2466-69

Serial No. 09/643,993

Group: unknown

Filed: August 23, 2000

Examiner: unknown

For: PROTECTION OF WDM-CHANNELS

* * * * *

Assistant Commissioner for Patents
Box PCT
PCT Legal Office
Washington, DC 20231

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OFFICE OF PETITIONS

Sir:

RENEWED PETITION UNDER RULE 47(A)

In accordance with the provisions of 37 CFR §1.47(a), 35 USC §116, second paragraph, and MPEP §409.03(a), it is again respectfully requested that available joint inventors Magnus ÖBERG and Jonas HEMGREN be permitted to make application for United States letters patent on behalf of themselves and joint inventor Nigel WOOD.

A Petition and Declaration of Ulvi Miller In Support of Petition Under Rule 47(a) were filed on May 14, 2001. A Decision on Status mailed June 14, 2001 dismissed the Petition without prejudice. Apparently the Petition was dismissed for lack of proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers.

As attested in the attached Declaration of Per Olof Rosenquist, in order to obtain sufficient documentary proof for this matter the cover letter and application papers were sent to inventor Nigel Wood on July 3, 2001. Also attached is a Declaration of Joint Inventor in Support of Petition Under Rule 47(a).

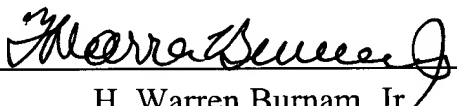
In view of apparent resolution of all issues, it is respectfully requested that the Petition be granted.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application, both in connection with this Renewed Petition and any matter relating thereto or which may pertain to the pendency of the captioned application. Moreover, should any extensions of time be presently or hereafter required in conjunction with this Petition or the pendency of the captioned application, it is respectfully requested that this document serve as a request for such extension and that the fees therefor be charged in accordance with the preceding sentence.

Respectfully submitted,

NIXON & VANDERHYE P.C.

September 13, 2001

By: 
H. Warren Burnam, Jr.
Reg. No. 29,366

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Assistant Commissioner for Patents
Washington, DC 20231

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OFFICE OF PETITIONS

Sir:

**DECLARATION OF PER OLOF ROSENQUIST IN
SUPPORT OF PETITION UNDER RULE 47(a)**

I, Per Olof Rosenquist, depose and declare as follows:

1. I am an employee specializing in patent matters of the Swedish patent firm of BERGENSTRÄHLE & LINDVALL AB, having offices at the following address:
Medborgarplatsen 25, P.O. Box 17704, S-118 93 Stockholm, SWEDEN.

2. The firm of BERGENSTRÄHLE & LINDVALL AB was authorized by the assignee of the captioned application, Telefonaktiebolaget LM Ericsson (publ), to coordinate the filing of the captioned application in the United States, including obtaining necessary signatures of the joint inventors for the United States Declaration and assignment documents.

3. I have read the Petition Under Rule 47(a) filed on May 14, 2001 for the captioned application, including the Declaration of Ulvi Miller. I work with Ulvi Miller and can also personally attest to the facts established by her Declaration.

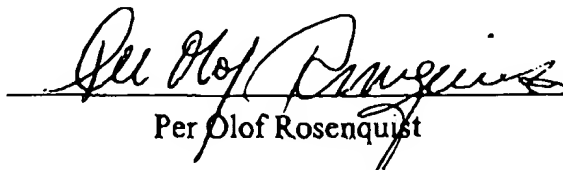
4. On July 3, 2001, I sent a further letter to Mr. Wood requesting signature of the U.S. Declaration and Power of Attorney for the captioned application. A true and accurate copy of my July 3, 2001 to Mr. Wood is attached as Exhibit 12.

5. The July 3, 2001 letter to Mr. Wood (Exhibit 12) clarifies that the entire US application, including specification, claims, abstract, and drawings were sent to Mr. Wood, a fact to which I can personally attest.

6. Mr. Wood has not responded to the July 3, 2001 letter (Exhibit 12), nor to any other communication from the firm of BERGENSTRÄHLE & LINDVALL AB.

7. In view of consistent efforts to obtain the signature, and the non-responses regarding each such attempt, I have concluded that Mr. Wood's conduct of silence constitutes a refusal to sign.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 
Per Olof Rosenquist

30 August 2001

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BERGENSTRÄHLE & LINDVALL AB

PATENTS · TRADEMARKS · DESIGNS

Peter Bjelkström *
Joakim Grip
Hans Hagström
Loff Hagström
Martin Holmberg
Anna Juhlin
Helene Larfeldt *
Stefan Lindén
Åke Lindberg
Anne Rosenberg *
Peder Rodhe
Per Olof Rosenquist *
Bengt Sedvall * (of Counsel)
Heléne Strandin
Karin Sällsten

Authorized representatives before
the EPO* and the OHIM,*
Members of the Association of
Swedish Patent Attorneys.

Your ref

Our ref
PO 43851

Date

2001-07-03



Mr. Nigel Wood
Marconi Communications
Caswell
Towcester
Northants NN128EQ
United Kingdom

Patent Application No. 09/643,993 in USA
WDM channel protection method
Applicant: Telefonaktiebolaget L M Ericsson

Dear Mr. Wood,

Your refusal to sign, or to be more correct your silence causes much extra work and costs.

We enclose with this letter U.S. Declaration/Power of Attorney and Assignment documents for you to sign and return to us as soon as possible together with a complete copy of the application with specification, claims, abstract and drawings.

We also enclose a copy of documents already signed by the other two inventors for your information.

In view of our consistent efforts to obtain your signature, and the non-responses regarding each such attempt, should we not hear from you within two weeks, i.e. July 20 2001, we shall conclude that your conduct of silence constitutes a **refusal to sign**.

Yours faithfully,
BERGENSTRÄHLE & LINDVALL AB


Per Olof Rosenquist

Enclosures: US Declaration/Power of Attorney and Assignment documents
Complete specification

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Assistant Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

Sir:

**DECLARATION OF JOINT INVENTOR IN SUPPORT
OF PETITION UNDER RULE 47(a)**

We, Magnus Öberg and Jonas Hemgren, depose and declare as follows:

1. We are joint inventors who have already executed a Declaration and Power of Attorney for the captioned application. We ~~are~~ ^{were} employees of the assignee.

2. We have read the Petition Under Rule 47(a) filed on May 14, 2001 for the captioned application, including the Declaration of Ulvi Miller. Further, we have read the Declaration of Per Olof Rosenquist which describes the sending of the July 3, 2001 letter to Mr. Wood (Exhibit 12).

3. We, too, like Per Olof Rosenquist, have concluded that Mr. Wood's conduct of silence constitutes a refusal to sign.

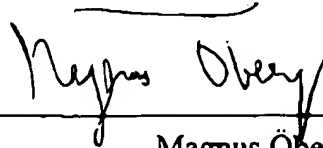
4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed

ÖBERG et al

Serial No. 09/643,993

to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:

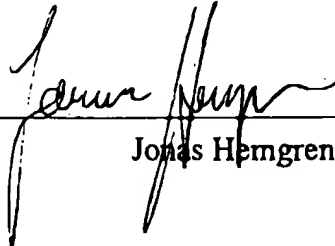


Magnus Öberg

31

August 2001

By:



Jonas Hemgren

31

August 2001

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